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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 THOMAS A. GONDA, JR., M.D.,)
11 an individual,) Case No. CV 11-01363 SC
12 vs.)
13 THE PERMANENTE MEDICAL GROUP,) STIPULATION ADVISING COURT OF
14 INC. in its capacity as Plan Administrator;) ARBITRATION RESOLUTION AND
15 THE PERMANENTE MEDICAL GROUP,) CONTINUING STAY FOR ADMINISTRATIVE
16 INC. LONG TERM DISABILITY PLAN) APPEAL AND [Proposed]
17 FOR PHYSICIANS,) ORDER
18)
19 Defendants.)
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The parties respectfully submit the following Stipulation and [Proposed] Order thereon: advising the Court of the arbitration resolution and requesting a further stay of proceedings in order for Plaintiff to complete, and defendants to consider, an administrative appeal of the termination of Dr. Gonda's long term disability benefits.

1. This action arises from defendants' decision to terminate payment of disability insurance benefits to plaintiff Thomas A. Gonda, Jr., M.D., as of October 7, 2010.

2. Plaintiff filed suit in this Court on March 22, 2011, seeking an order directing defendants to produce Dr. Gonda's claim file and other documents and information and thereafter to allow him to complete an administrative appeal of the termination of long term disability benefits under the applicable ERISA regulation, 29 C.F.R. §2560.503-1.

3. Plaintiff Dr. Gonda also initiated an arbitration proceeding against his former employer, The Permanente Medical Group, Inc. (“TPMG”) and the Kaiser Foundation Hospitals, seeking reinstatement of his employment and/or other relief. In this action, TPMG is sued (only) in its capacity as the Plan Administrator of the defendant ERISA Plan, which is known as The Permanente Medical Group, Inc. Long Term Disability Plan For Physicians (the “ERISA Plan”). Neither the ERISA Plan nor its insurer, Life Insurance Company of North America (“LINA”), was a party to the arbitration. However, the interests of the ERISA Plan and LINA were potentially affected by the outcome of the arbitration.

4. On September 8, 2011, at plaintiff's request and without objection by defendants, the Court stayed this action pending final resolution of the arbitration proceedings.

5. According to plaintiff, the arbitration proceedings have been concluded by a confidential settlement and that settlement has been consummated. Defendants have agreed that they will permit Dr. Gonda to complete an administrative appeal of the termination of his disability benefits before further proceedings in this Court. Defendants have stated and represent that they have produced to plaintiff complete copies of any and all documents and information to which he is entitled under ERISA and its implementing federal regulations.

6. Plaintiff has agreed to submit his administrative appeal to LINA within sixty (60) days of entry of the below Order.

7. The parties further agree to an additional stay of this litigation for one hundred and twenty (120) days in order to allow a determination to be made on Plaintiff's administrative appeal.

8. This stipulation is a matter of agreement between the parties and Defendants do not agree that Plaintiff shall be deemed a prevailing party in this action based on this stipulation and agreement.

Respectfully submitted,

Dated: April 19, 2012

JULIAN M. BAUM & ASSOCIATES

by /s/ by Julian M. Baum
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Dated: April 19, 2012

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7 Attorneys For Defendants,
8 THE PERMANENTE MEDICAL GROUP,
9 INC. In Its Capacity As Plan Administrator;
10 THE PERMANENTE MEDICAL GROUP,
11 INC. LONG TERM DISABILITY
12 PLAN FOR PHYSICIANS

13 [PROPOSED ORDER SET FORTH ON NEXT PAGE]

14 DECLARATION RE CONCURRENCE OF SIGNATORIES
15 UNITED STATES DISTRICT COURT, N.D. CAL.

16 GENERAL ORDER 45

17 The undersigned ECF filer hereby attests that concurrence in the filing of the
18 foregoing document has been obtained from each of the other signatories whose signature
19 is indicated by the notation “/s/ [name of signatory].”

20 I declare under penalty of perjury under the laws of the United States of America
21 that the foregoing is true and correct.

22 Dated: April 27, 2012

23 /s/ Julian M. Baum

24 Julian M. Baum

1 *[Proposed]*

2 **ORDER**

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4 The parties having stipulated as set forth above, IT IS ORDERED as follows:

5 1. The Court's stay of this action is continued for one hundred and twenty (120) days from
6 the date of entry of this Order;

7 2. Plaintiff shall submit to defendants his administrative appeal of the termination of his
8 disability benefits within sixty (60) days of entry of this Order; and

9 4. Defendants shall perform a full and fair review of plaintiff's appeal in accordance with
10 the applicable provisions of the Employee Retirement Income Security Act of 1974
11 ("ERISA"), 29 U.S.C. §§1001 *et seq.*, and its implementing federal regulations.

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13 **IT IS SO ORDERED.**

14 May 1, 2012

15 Dated: April ____, 2012

